

THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Appeal No.S- 69 of 2022

Date of hearing	Order With Signature Of Judge.
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Appl. In d/o case

1. For orders on MA 907/2024
2. For orders on MA 908/2024

22-02-2024

M/s Syed Zafar Ali Shah and Athar Hussain Abro, Advocates for the appellants.

1. Urgency is granted.
2. Learned counsel for appellants has filed listed application seeking withdrawal of appeal on behalf of appellant No.2 Qadir Bux alias Baloo and correction in the order dated 19.02.2024, whereby all the appellants including appellant No.2 have been acquitted on the basis of compromise. Learned counsel submits that by inadvertent mistake, appeal on behalf of appellant Qadir Bux alias Baloo could not be withdrawn although he had already escaped from jail and against him, an FIR No.35 of 2023 under relevant sections has been registered at P.S, Rohri. Such report dated 12.05.2023 was also submitted by Sr. Superintendent/Office Incharge, Central Prison & Correctional Facility, Sukkur in this appeal. He further states that in the order dated 19.02.2024, names of all the appellants including appellant Qadir Bux alias Baloo are mentioned to have been acquitted on the basis of compromise, although neither in the relevant compromise applications, his name has been mentioned, nor legal heirs of deceased and injured have compromised with him or pardoned him by filing affidavits.

Mr. Aftab Ahmed Shar, Additional P.G waives notice of this application and submits that if necessary correction is made in the order dated 19.02.2024, he has no objection.

Accordingly, this application is **allowed**, appeal to the extent of appellant No.2 Qadir Bux alias Baloo is dismissed as not pressed due to the fact that he is absconder and against him, FIR for escaping from jail has already been registered. Office to make necessary correction in the order dated 19.02.2024 by crossing name of appellant No.2 Qadir Bux alias

Baloo with red ink. Office is further directed to issue release writ of all the appellants except appellant No.2 Qadir Bux alias Baloo forthwith in compliance of the order dated 19.02.2024.

JUDGE

Ahmad